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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/167,314	10/06/98	ARMSTRONG	B

LM01/0830

BRAD A ARMSTRONG
P O BOX 1419
PARADISE CA 95967

EXAMINER	
NGUYEN, K	
ART UNIT	**PAPER NUMBER**
2774	8

DATE MAILED: 08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/167,314	ARMSTRONG, BRAD A.	
	Examiner	Art Unit	
	Kevin M. Nguyen	2774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1)☒ Responsive to communication(s) filed on *06 July 2000* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☒ The proposed drawing correction filed on *06 July 2000* is: a)☒ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b)☐ Some * c)☐ None of the CERTIFIED copies of the priority documents have been:

1.☐ received.

2.☐ received in Application No. (Series Code / Serial Number) _____ .

3.☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other: .

DETAILED ACTION

1. The amendment filed on 7/6/2000 is entered. The rejection of claims 1-28 are maintained.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 7/6/2000 have been approved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. Patent No. 59,10,798) in view of Thornburg (U.S. Patent No. 4,313,113).

5. As to claims 1-4, Kim teaches an apparatus for moving a cursor on a screen (see figure 2, column 2, lines 1-14). Kim teaches all of the claimed limitation with the exception of the claimed "at least two of said sensors each capable of providing at least three readable states of varied conductance; at least two states of said at least three readable states dependant upon depressive pressure applied to the variable-conductance sensors through depression of an associated button". However, Thornburg teaches the cursor control devices is connected in a electrical circuit which supplies signals to move the cursor on the CRT display in a selected direction at a slow speed when the high resistance condition is present and at a higher speed in the selected direction as the resistance condition is lowered (column 2, lines 32-37). Further, Thornburg teaches a four key 18A, 18B, 18C and 18D depress s selected key for each increment of cursor

movement in one of the four indicated direction (column 1, lines 60-64) reply on the distinct control signals are screen scrolling control signals used to determine scrolling speed rates as claimed. Thornburg teaches four conductive coordinate electrodes 52 (figure 8, column 4, lines 54-55). The pressure transducer has been shown in phantom as a variable resistance element (column 3, lines 53-55). As the result, the cursor will be moved more rapidly and directly to the desired location (column 2, lines 16-17). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the cursor keys 18a, 18b, 18c and 18d as taught by Thornburg for the movement button 103b, 103c, 103d and 103e as taught by Kim because the prior art control keys as taught by Kim increment cursor movement in one of the four indicated directions at a single rate, a decidedly burdensome task (Thornburg, column 1, lines 62-64).

6. As to claim 5 and 6, Thornburg teaches two keys 18D' and 18C' which contact the elastomeric electrode 42 (see figure 7, column 4, lines 24-29). Key 18D' correspond to dome-cap, electrode 42 corresponds to the sensor as claims.

7. As to claim 7, Thornburg teaches a package housing (figure 8) which includes a wobble plate 62 with an conductive stud 64, four electrodes 52, a circuit board 48, and four connecting leads 54 (see figure 8, 9 and 10, column 4, lines 52-61). Accordingly, a wobble plate 62 corresponds to a disk as claims.

8. Claims 8-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Thornburg as applied to claims 1-7 above, and further in view of Bertram et al (U.S. Patent No. 6,049,812).

9. Kim and Thornburg teaches all of the claimed limitation with exception of the claimed Back signal type and Forward signal type. However, Bertram teaches a network browser

software which includes the content window 11 is useful for navigation purposes with an active menu of Back and Forward (see figure 4 and 5, column 7, lines 17-35). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the mouse 103 taught by Kim and Thornburg for the mouse 20 taught by Bertram because the extra button Back and Forward in a window Netscape browser or a mouse still provide the same control function.

Response to Arguments

10. Applicant argues that recites (page 14, lines 26-27) "the present invention completely eliminates the need for cursor movement." (page 14, lines 20-21) "the improvements are without moving or steering a cursor." These arguments are not persuasive because these arguments are not putted in the claimed limitations of the present invention.

For these reasons, the rejections based on Thornburg, Kim and Bertram have been maintained.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No.	5,854,624	Grant
U.S. Patent No.	5,790,102	Nassimi
U.S. Patent No.	5,999,084	Armstrong

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 703-305-6209. The examiner can normally be reached on Monday through Friday 8 am-5pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 703-305-4709. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kevin M. Nguyen
August 24, 2000

RICHARD A. HJERPE
SUPERVISORY PATENT EXAMINER
GROUP 2700